

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION FIELD OPERATIONS TRAINING MANUAL

Volume - II: Compliance

Chapter 9: Commercial/Economic Complaints

Par. 1. Complaint Handling Procedures

Illustration 9-1 - Language for Letters (Figures 1 - 3)

1. COMPLAINT HANDLING PROCEDURES

- a. Oral complaints. Except for allegations of unregistered, uninsured, or underinsured motor carrier operations, and household goods hostage freight complaints, oral allegations of commercial regulatory violations are handled on the telephone by notifying the complainant that (1) the FMCSA does not provide informal dispute resolution, and (2) agency assistance is limited to providing informational packets. Complainants should be advised, however, that their complaint will be recorded in the "Economic Complaint Register." Complainants with information regarding an unregistered, uninsured, or underinsured motor carrier operation should be encouraged to send a written complaint to the division office where the carrier is domiciled. Household goods hostage freight complaints received by telephone must be referred to the Office of Enforcement and Compliance, Insurance Compliance Division in FMCSA Headquarters.
- b. Written complaints.
 - (1) Written household goods hostage freight complaints must be referred to the Office of Enforcement and Compliance, Insurance Compliance Division in FMCSA Headquarters.
 - (2) Written complaints will be handled by the division office or closest field office in the State where the motor carrier is domiciled. If a written complaint is received by a division office in a State where the motor carrier is not domiciled, the receiving division office must forward the complaint to the appropriate division office.

- (3) Written complaints of violations not related to registration or insurance filing are handled by informing the complainant in writing or by telephone that (1) the FMCSA does not provide informal dispute resolution, (2) agency assistance is limited to providing informational packets, and (3) the complaint will be recorded in the “Economic Complaint Register.” Discretion should be exercised with packets by not sending them if a telephone conversation with the complainant satisfactorily closes the complaint. If an informational packet is sent, the appropriate cover letter must be used. A cover letter similar to Illustration 9-1, Figure 2 may be used in response to complaints received by telephone. In the case of a written complaint, a cover letter similar to Illustration 9-1, Figure 3 must be sent to the complainant, and a copy of the cover letter and complaint must be sent to the motor carrier. If the complainant works for the carrier, do not send a copy of the complaint in order to protect the complainant’s identity.
- (4) Written complaints that contain specific information (date(s) of operation, transported commodity, origin, destination) about a motor carrier operating without registering and/or filing insurance are handled as follows:
- (a) Verify whether the motor carrier is unregistered and/or has not filed insurance by checking the licensing and insurance information system which is maintained by Volpe.
 - (b) If the licensing and insurance information system shows no registration or insurance filing for the motor carrier, send a warning letter to the carrier. A letter similar to Illustration 9-1, Figure 1 may be used for this purpose.
 - (c) Upon the passing of 30 working days from the motor carrier’s receipt of the warning letter, check the licensing and insurance information system again to verify whether the motor carrier has registered and/or filed insurance. If the information system shows no registration or insurance filing for the motor carrier, contact the Licensing (MCRIS) and Insurance Compliance Division (MCECI) in FMCSA headquarters for verification. It takes approximately 30 working days for the receipt of an application or insurance filing to be entered into the database.
 - (d) Upon verification that an application or insurance filing has not been received from the motor carrier, obtain the necessary documentation for enforcement action and submit an enforcement report. A visit to the motor carrier’s office will likely be necessary to obtain the documentation.

- c. Complaint tracking procedures. The recording of commercial/economic complaints is necessary to document the extent of this type of complaint for any future resource requirements and requests, as well as identifying motor carriers with a substantial pattern of noncompliance. Each division office will track commercial/economic complaints by recording the required information in its "Economic Complaint Register." All oral complaints that are handled over the telephone must be entered in the "Economic Complaint Register" of the receiving division office. Written complaints of unregistered, uninsured, and underinsured motor carrier operations will be entered in the "Economic Complaint Register" of the division office having oversight of the carrier.